

ROANOKE CITY COUNCIL

June 6, 2005

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, June 6, 2005, at 9:00 a.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762-070604 adopted by the Council on Tuesday, July 6, 2004.

PRESENT: Council Members Beverly T. Fitzpatrick, Jr. (arrived late), Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr. (arrived late) and Mayor C. Nelson Harris-----6.

ABSENT: Council Member Sherman P. Lea-----1.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to §2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Council Member Cutler moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler and Mayor Harris---4.

NAYS: None-----0.

(Council Member Lea was absent and Vice-Mayor Fitzpatrick and Council Member Dowe were not present when the vote was recorded.)

COMMITTEES-CITY COUNCIL: A communication from Council Member Alfred T. Dowe, Jr., requesting that Council convene in a Closed Meeting to discuss the annual performance of three Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Council Member McDaniel moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler and Mayor Harris--4.

NAYS: None---0.

(Council Member Lea was absent and Vice-Mayor Fitzpatrick and Council Member Dowe were not present when the vote was recorded.)

CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Council Member McDaniel moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler and Mayor Harris---4.

NAYS: None---0.

(Council Member Lea was absent and Vice-Mayor Fitzpatrick and Council Member Dowe were not present when the vote was recorded.)

CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the terms of a public contract where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Council Member Cutler moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler and Mayor Harris---4.

NAYS: None-----0.

(Council Member Lea was absent and Vice-Mayor Fitzpatrick and Council Member Dowe were not present when the vote was recorded.)

CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Council Member McDaniel moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler and Mayor Harris---4.

NAYS: None-----0.

(Council Member Lea was absent and Vice-Mayor Fitzpatrick and Council Member Dowe were not present when the vote was recorded.)

CITY COUNCIL: A communication from the City Manager requesting that Council convene in Closed Meeting to discuss acquisition of real property for a public purpose where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Council Member McDaniel moved that Council concur in the request to convene in Closed Session as above described. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler and Mayor Harris---4.

NAYS: None-----0.

(Council Member Lea was absent and Vice-Mayor Fitzpatrick and Council Member Dowe were not present when the vote was recorded.)

At 9:05 a.m., Vice-Mayor Fitzpatrick and Council Member Dowe entered the meeting.

ITEMS LISTED ON THE 2:00 P. M., COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION, AND ADDITIONS/DELETIONS TO THE 2:00 P. M., AGENDA: NONE.

TOPICS FOR DISCUSSION BY THE MAYOR AND MEMBERS OF COUNCIL: NONE.

ITEMS FOR DISCUSSION AT A JOINT MEETING OF COUNCIL AND THE CITY PLANNING COMMISSION ON TUESDAY, JULY 5, 2005, AT 12:00 P.M.: NONE.

BRIEFINGS:

FLOOD REDUCTION/CONTROL: The City Manager introduced Colonel Charles R. Alexander, Jr., District Engineer, U. S. Army Corps of Engineers, Wilmington District, for a briefing on the Roanoke River Flood Reduction Project.

Colonel Alexander introduced Wayne Bissette, Chief, Engineering; Max Hromiak, Construction Engineer; and Jan Brodmerkel, Project Manager, U. S. Army Corps of Engineers, who would answer questions in connection with the briefing.

Colonel Alexander presented the following project summary:

Project Cost Estimate: \$65.3 million

Federal: \$45.8 million

Non-Federal - \$19.5 million

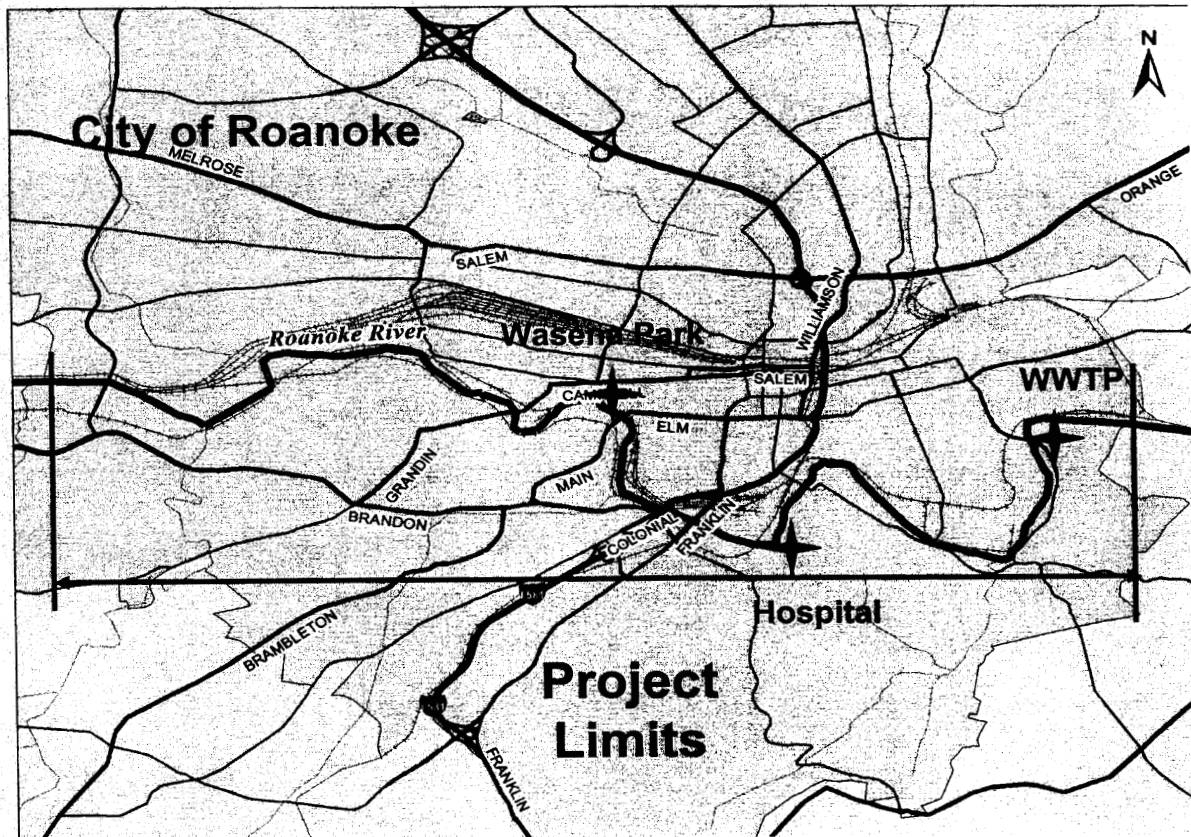
Real estate and utility relocations - \$10.8 million

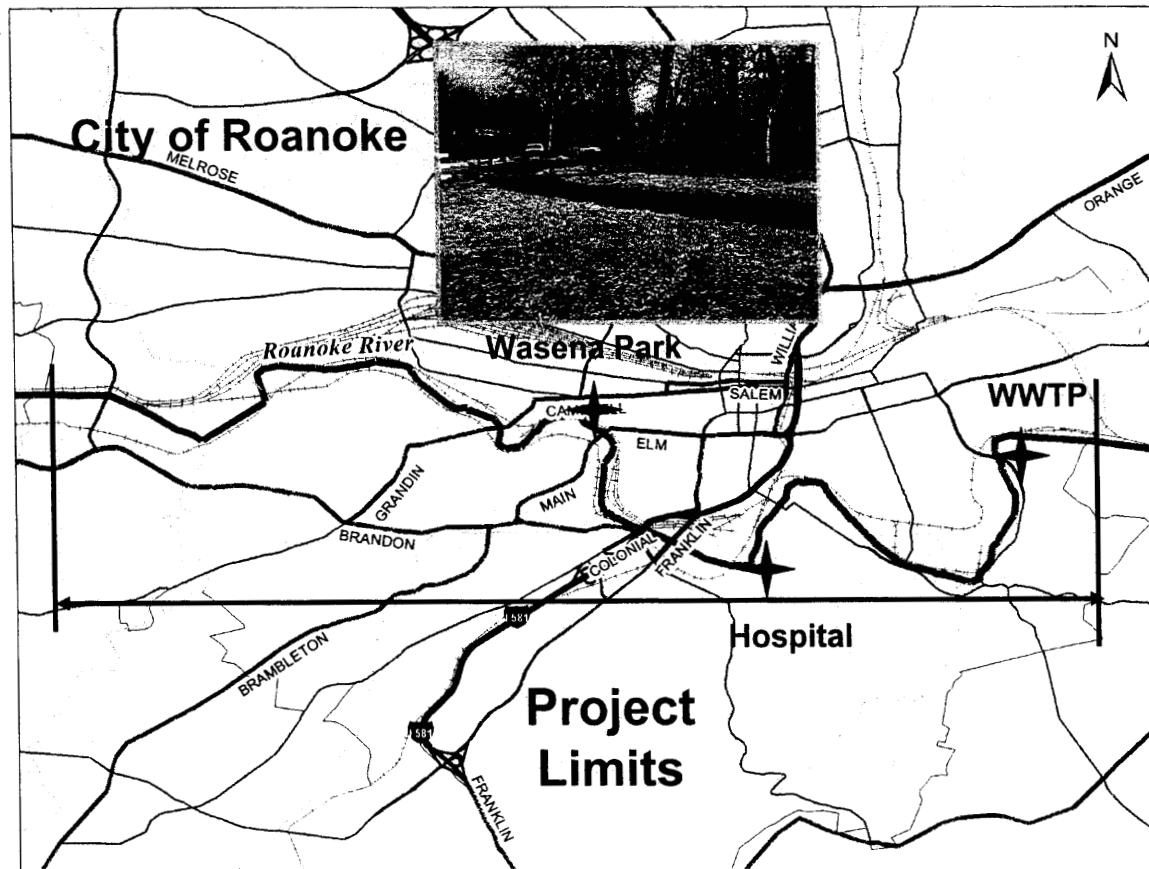
Cash - \$8.7 million

Major Project Components:

- Flood warning system (stream and rain gages) - 1991
- Floodproofing Sewage Treatment Plant - 1993
- Floodproofing hospital (reimbursement) - 1993
- Channel improvements (bench cuts and training walls)
- Recreation trail (completed Wasena Park portion)

The following maps were reviewed depicting project limits, recreation trail and parking area, future construction of bench cuts and estimated stage reductions.









U.S. Army Corps
of Engineers
Wilmington District

Estimated Stage Reductions

<u>LOCATION</u>	<u>10YR</u>	<u>25YR</u>	<u>50YR</u>	<u>100YR*</u>
	ft	ft	ft	ft
At Industrial Park	0.8	0.9	0.8	0.7
Upstream of Walnut Street	1.9	2.2	2.2	2.2
Victory Stadium	1.2	2.0	2.0	2.3
Upstream of Franklin Road	0.2	0.5	0.8	1.8
Upstream of lower Wiley Dr.	2.0	1.9	1.6	2.0
Upstream of upper Wiley Dr.	1.7	0.8	0.0	0.0
Wasena Park	2.5	2.0	1.4	1.1

* Flood Frequency

Estimated stage reductions are shown in feet

Fiscal year 2005 construction includes the following:

Four bench cuts between the Waste Water Treatment Plant and 9th Street: Industrial Development, APCO Yard (Roanoke Station), upstream of 13th Street and downstream of 13th Street.

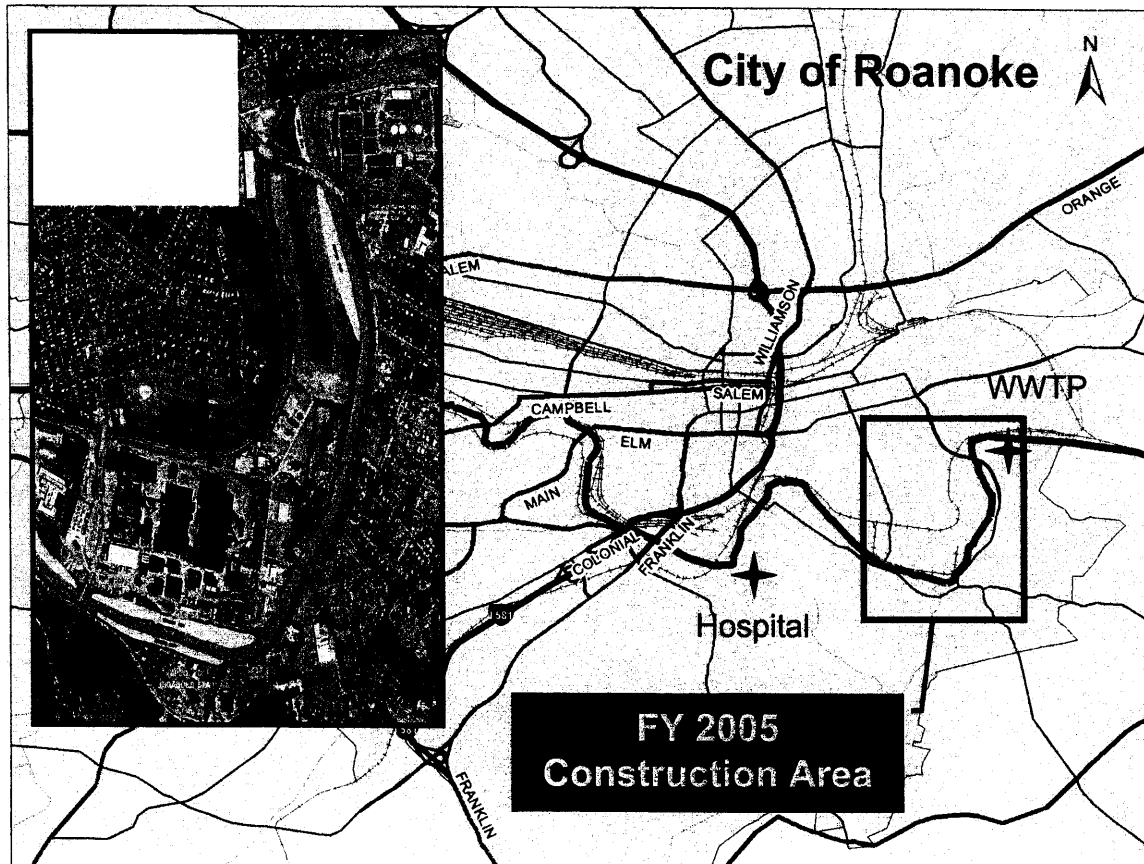
Recreation trail - 900 feet between Franklin Road and the pedestrian bridge for Victory Stadium.

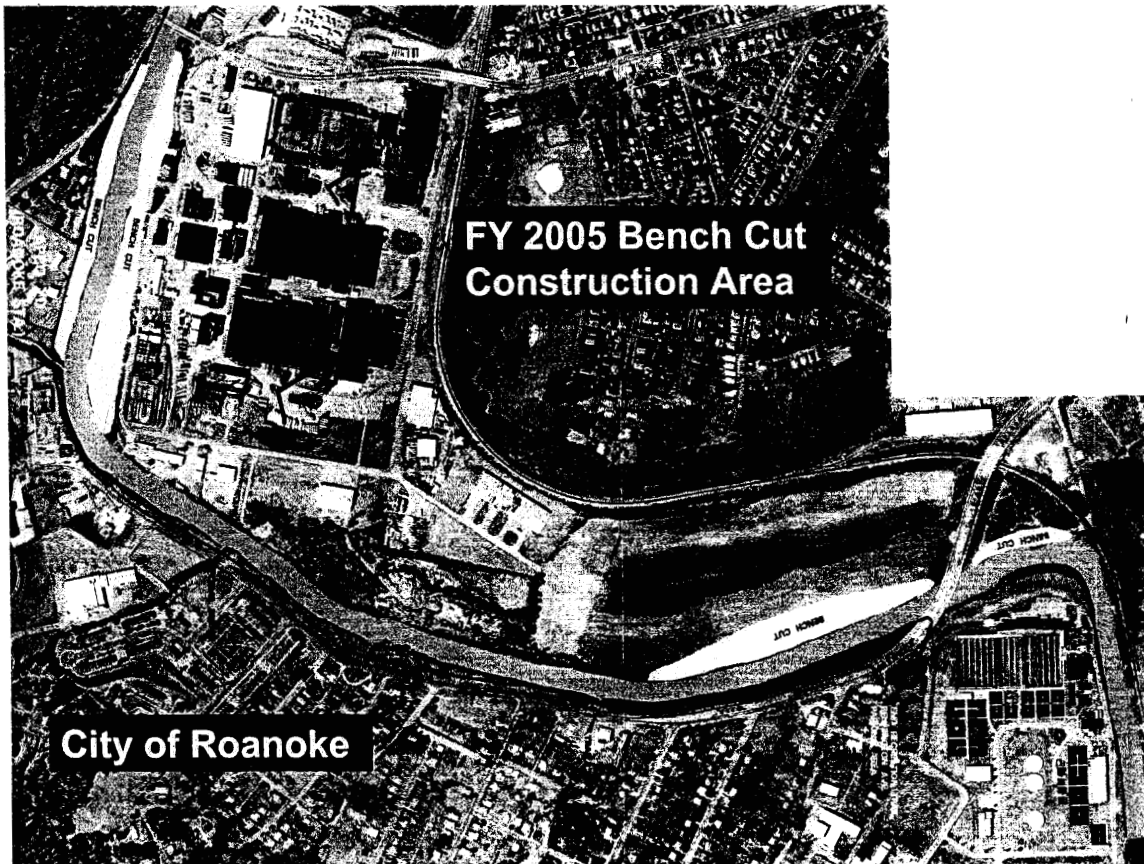
Landscaping.

Channel snagging and debris removal.

Rip rap for bridges.

Colonel Alexander reviewed the following fiscal year 2005 construction area and bench cut construction area.





Fiscal year 2005 contract status is as follows:

- May 25 - concluded negotiations
- June 1 - received SBA approval
- June 2 - issued Notice in Federal Business Opportunities
- June 20 - issue Invitation for Bid
- July 20 - open bids
- August 1 - award contract
- August 15 - issue Notice to Proceed

Issues include requested use of continuing contract clause and approval to carry over funds into fiscal year 2006.

Fiscal year 2006 construction:

Preparing for fiscal year 2006 construction in fiscal year 2005:

Coordinate with City on contract elements

Request approval for a continuing contract

Preparing plans and specifications

Complete field work for cultural resources site at APCO Service Center upstream of 9th Street

City obtains additional disposal areas

Proposed fiscal year 2006 contract elements

Additional bench cuts upstream of 9th Street

Recreation trail – between Wastewater Treatment Plant and 9th Street

Landscaping

Channel snagging and debris removal

Estimated Federal funding:

Through fiscal year 2005 – \$17.1 million

Through fiscal year 2006 – \$5 million

Through fiscal year 2007 – \$8.3 million

Through fiscal year 2008 – \$7 million

Through fiscal year 2009 – \$6.3 million

Through fiscal year 2010 – \$2.1 million

Total project cost estimate: \$65.3 million

Federal: \$45.8 million

Non-Federal: \$19.5 million

In conclusion, Colonel Alexander advised that there is a commitment to build both flood reduction and recreation features, the project will reduce flooding, a contract will be awarded in fiscal year 2005 (continuing contract and permission to carry over funds), preparation of plans and specifications for fiscal year 2006, and completion of cultural resource field work for fiscal year 2006 construction contract.

He emphasized that no phase of the project will be left with barren earth and landscaping will take place in each component; the Corps of Engineers will work with the City on a more appropriate name for the training wall; training walls allow admittance to limited areas due to existing structure, and infrastructure allows for required flood reduction features without further excavation and acquisition and disposition of existing property; the elevation of bench cuts is above the current river channel; and it is not intended to alter the hydrology of the Roanoke River in any respect.

With regard to future development along the Roanoke River, Colonel Alexander emphasized the importance of keeping in mind that double handling of material and time distance in terms of hauling material increases costs; the Corps of Engineers is a learning organization and has used information from previous Roanoke flood events to fine tune plans and specifications for the Roanoke River Project. He assured Council of the personal and organizational commitment to complete the project; currently, the Corp's civil works budget is flat, this year the Wilmington District received approximately \$20 million more than last year, and he remains optimistic that the flow of dollars through 2010 will continue, however, of paramount importance is the continuing strong relationship and support of Congressional representatives.

The City Manager inquired as to any actions that the City could take to ensure that the project moves forward; whereupon, Colonel Alexander spoke to the importance of maintaining continuing communication with Congressman Bob Goodlatte. He stated that during his visit to Roanoke in September 2004, as the flood waters were cresting, he suggested that the City capture the event through photographs, and measure damage in order to keep the issue at the forefront with the City's Congressional delegation and with the Governor. He added that the projects that tend to fair the best are those where all parties speak with one voice so that the message is not watered down or filtered by the time it reaches Congress.

Discussion centered around future development of the Roanoke River; the Roanoke River is an environmental gem for the City of Roanoke; landscaping issues; a greenway trail from the City of Salem to Roanoke County through the City of Roanoke and Explore Park as soon as possible as the primary recreation trail in the region; and protection of the Roanoke log perch.

On behalf of the Members of Council and the City administration, the Mayor expressed appreciation to Colonel Alexander for his presentation.

CITY MARKET:

The City Manager advised that inasmuch as Advantis Real Estate Services Company is no longer the management entity for the City Market Building, it is impractical for the City to enter into a short term management agreement with another management company; therefore, City staff, specifically the Department of Economic Development, will be responsible for managing the operation of the City Market Building on a temporary basis. She called upon R. Brian Townsend, Acting Director of Economic Development, for a status report.

Mr. Townsend advised that:

- The transition from operating under Advantis Real Estate Services Company to the City's Department of Economic Development will involve the handling of lease renewals and the leasing of space by Economic Development staff for the foreseeable future.
- City Staff will meet with City Market Building tenants to review current leases on a provision by provision basis to ensure that there is an understanding of obligations in terms of payment, fees, etc.
- City Staff will work in conjunction with the Purchasing Department to ensure a smooth transition, to retain vendors and to maintain business relationships.
- With the coming of the new art museum on the viaduct parking lot, operational changes were necessary to remove the Market Building dumpster.
- The Market Building Tenants Association is working toward incorporation and prior to this time, tenants were paying \$50.00 per month per tenant that went into a market building fund.
- Turnover in the Market Building has been low, with no new tenants since 2002; the oldest tenant has operated in the building for 19 years, the newest tenant has occupied the building for three years, and the average length of stay is approximately ten years.

- Delinquency of rental payments has been an issue (\$47,000.00 – \$48,000.00 in December 2004), with three to four tenants comprising the bulk of delinquencies. All tenants who were delinquent in their payments have now been placed on a payment plan and it is anticipated that all tenants will be in compliance by September, 2005.
- The majority of leases will expire on or about the same time; average square footage is 457 square feet at \$35.00 per square foot; 12 leases will expire in the foreseeable future, five leases have currently expired, and staff will focus on the next critical issue of devising a standard lease document in a simplified format.
- Food court and non food court tenants pay a standard Common Area Maintenance (CAM) fee per month and it is important to establish the CAM fee at a rate that covers the reasonable cost of operating the Market Building.
- Currently, approximately 1900 square feet of vacant leaseable space is available that could accommodate four additional tenants.
- The third floor will require structural improvements.

Anita Wilson, President, City Market Building Tenants Association, was requested to provide a status report on incorporation of the Tenants Association; whereupon, she advised that the Tenants Association anticipates receipt of the Articles of Incorporation this week and it is anticipated that all required transactions will be completed in approximately 45 days.

Mr. Townsend was requested to give an update on the City Market study; whereupon, he advised that seven firms responded to the Request for Proposals, interviews were conducted and the preferred consultant was selected, the final detailed scope of work and study schedule has not been received from the consultant, and a July 1 start date for the study is anticipated.

The City Manager advised that because the contract has not been executed with the consultant, the name of the consulting firm cannot be revealed, however, the firm has considerable background and experience in the field, and following execution of the contract, all stakeholders will be given an opportunity to provide input.

Council Member Wishneff suggested that representatives of the consulting firm be invited to attend the Council's 9:00 a.m., work session on Tuesday, July 5, 2005.

There was discussion with regard to City Market Building lease renewals which will require approval by Council; the exclusivity clause; extended hours/Sunday hours of operation; revenues and expenses and the need for the City to subsidize City Market Building operations. The Director of Finance advised that the City's General Fund budget included a \$35,000.00 subsidy for the City Market, and vendors and market operations generate \$61,000.00 in direct taxes to the City; i.e.: meals tax, sales tax and business license tax.

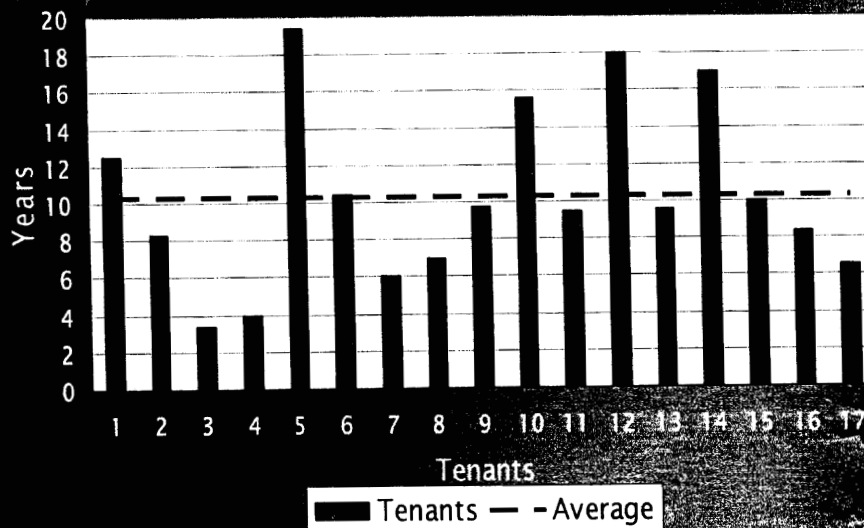
Question was raised as to whether the City will engage the services of a management firm to operate the City Market building, or will the building be operated by the City; whereupon, the City Manager advised that operating the City Market Building on a permanent basis is not an activity that the City should engage in.

Mr. Townsend reviewed the following charts with regard to lease commencement by year, average tenancy of current tenants, delinquent rent from May 2004 to May 2005, lease expirations by year from 2003 - 2011, average square feet of current tenants (475 square feet), average base rent per square foot (\$34.72), and the status of current leases.

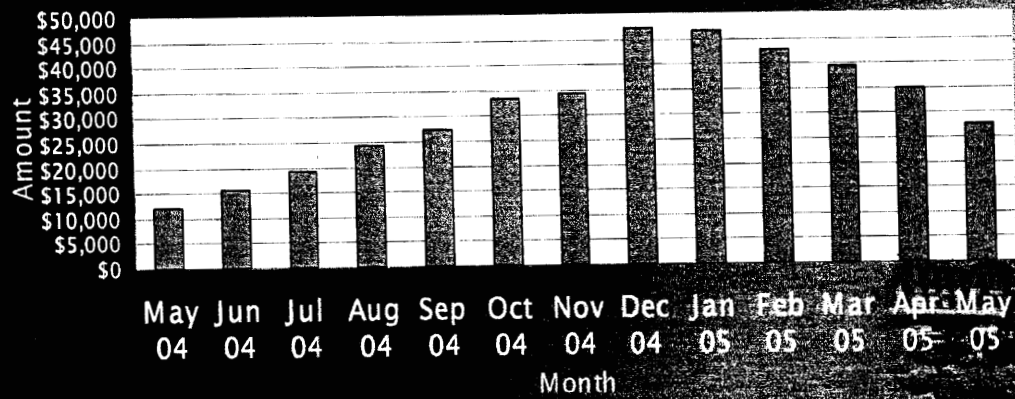


AVERAGE TENANCY OF CURRENT TENANTS

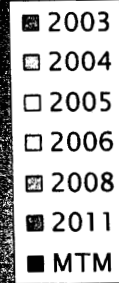
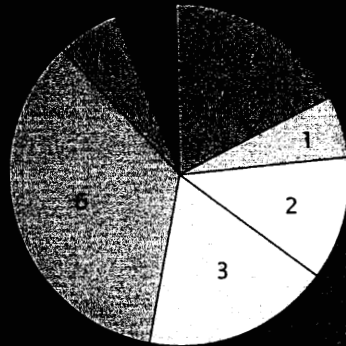
Average tenancy is 10 years

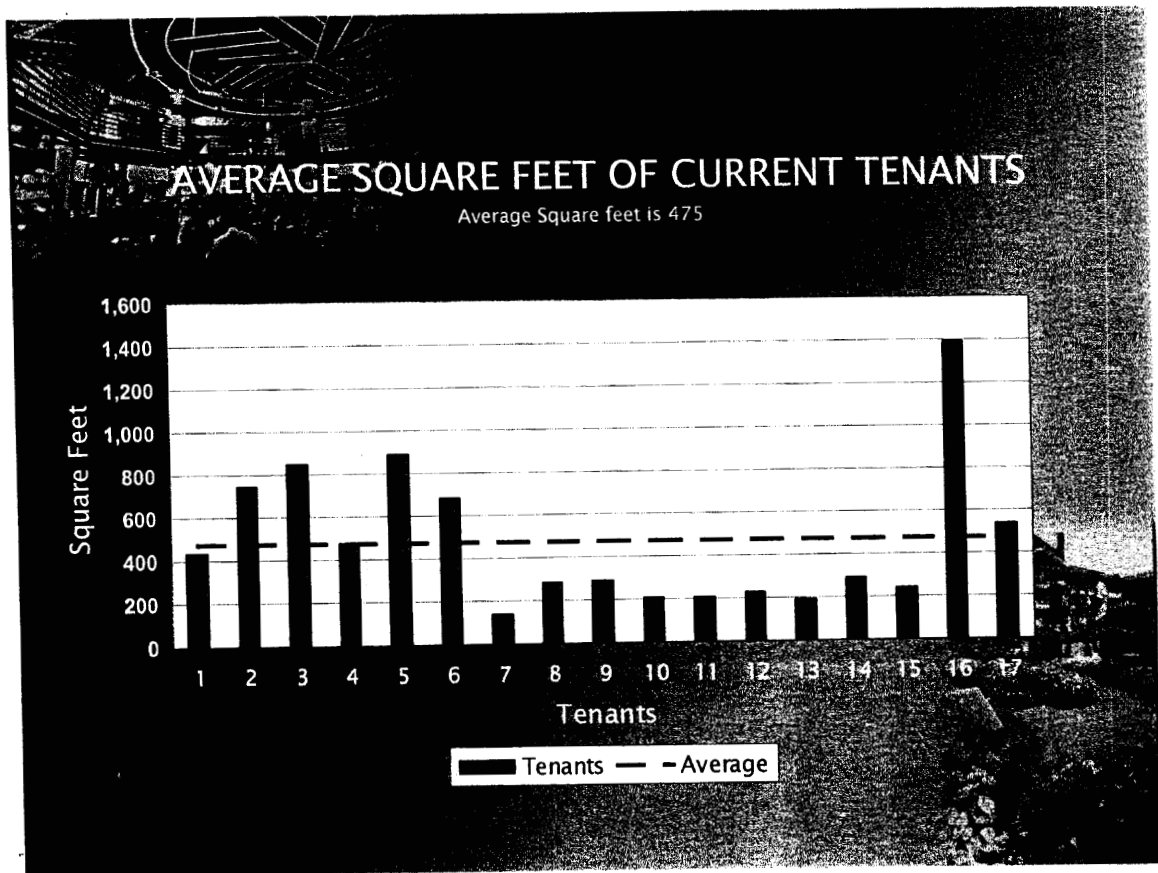


DELINQUENT RENT



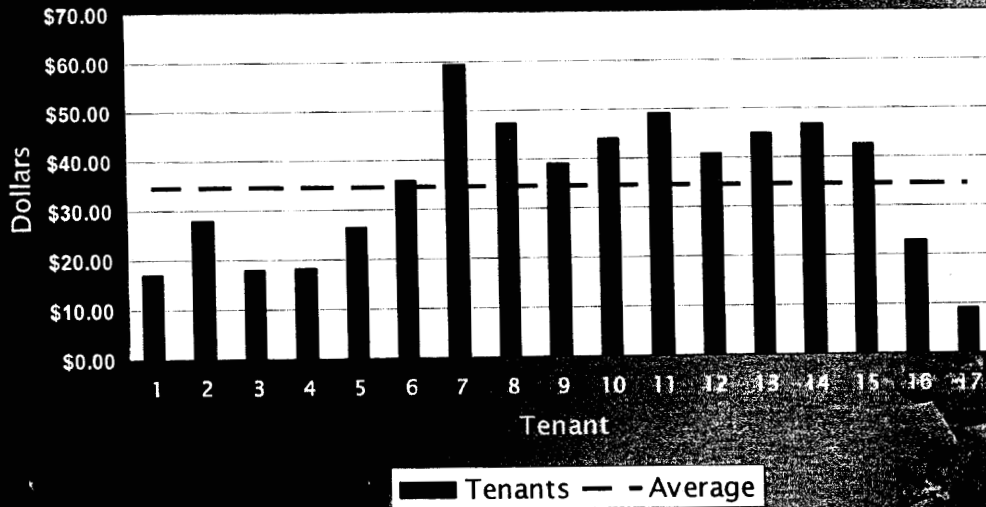
LEASE EXPIRATIONS BY YEAR

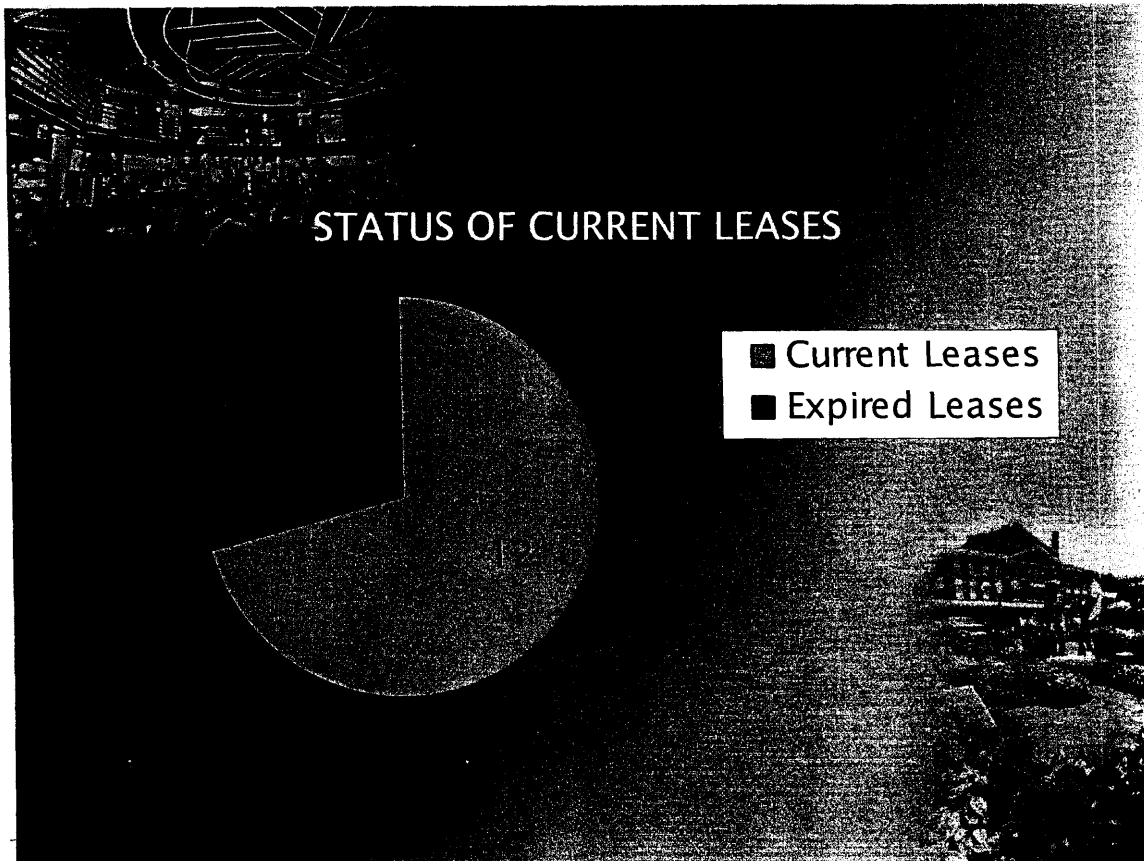




AVERAGE BASE RENT PER SQUARE FOOT

Average Base Rent is \$34.72





He advised that a standard lease document will be prepared in a simplified format with provisions that address lease rate and term, exclusivity clause, Common Area Maintenance Fee, late fees, holdover terms and default of lease.

Mr. Townsend reviewed a chart demonstrating revenues versus expenses from April 2004 to April 2005, showing average monthly revenue at \$20,276.00 and average monthly expenses at \$29,101.00. He advised that the Economic Development Department will work with the Purchasing Department to utilize established master contracts and place new vendors on City contracts; maintenance issues include the HVAC maintenance contract, reviewing maintenance needs and evaluating new approaches to day-to-day maintenance needs, and the Department of Economic Development will serve as liaison for operational issues. He noted that future investment requirements for the City Market Building include an upcoming roof replacement project and identification and prioritization of additional capital improvements which are subject to the upcoming Market area study.

CENTRAL ROANOKE MOBILITY STUDY (I-581/220 CORRIDOR) OVERVIEW:

TRAFFIC-STATE HIGHWAYS: Kenneth H. King, Jr., Transportation Division Manager; Paul Anderson, representing Hayes, Seay, Mattern and Mattern; and Michael Gray, representing the Virginia Department of Transportation, participated in the briefing.

Mr. Anderson presented the following summary study scope:

Hayes, Seay, Mattern and Mattern has contracted with VDOT to provide a transportation planning needs study within the I-581/220 Corridor from north of the Orange Avenue Interchange to south of the Wonju Street Interchange, based on short-term, mid-term and long-term conditions, and to develop solutions that are compatible with local community goals, environmentally sound, economically feasible and with minimized adverse impacts upon the community. Engineering and Planning staff from the City of Roanoke will be heavily involved and will serve on the Study Steering Committee.

The scope of work shall generally consist of the following:

Examine existing (2004) multi-model transportation inventory and travel data for the delineated study, including collection of necessary data not provided.

Update and expand the City of Roanoke Synchro Traffic Model to include current traffic volumes.

Access travel deficiencies in the Corridor based on accident analysis and capacity analysis (i.e. Level of Service.)

Determine anticipated changes in land use for the mid-term (2015) and long-term (2025) phases; impacts upon the transportation network; multi-model operational improvements needed (short-term only); capital-intensive roadway improvements needed; community, study network and environmental impacts; impacts upon other modes; and planning level cost.)

Estimates and prioritization of needs (each by phase).

Prepare study recommendation graphics.

Include community input throughout the study process.

Coordinate with DOT and City of Roanoke officials.

Make presentations to stakeholders, City Council members and citizens.

Publish a report and technical documents.

Hayes, Seay, Mattern and Mattern will be teamed with Michael Baker, Jr., Inc., to provide travel modeling, forecasting and engineering support. John Lambert and Associates will assist with public and media relations and public involvement. One of the early study tasks will be contacting stakeholders to invite their participation throughout the study and to solicit their initial thoughts about the current facility and their suggestions for areas that the study should address.

The total budget for the study is approximately \$300,000.00. The study will build on and draw from earlier studies, but will be focused on developing workable improvement concepts. It will not produce design documents, but should help in setting budgets and priorities for design projects that are a likely outgrowth of the study recommendations.

The study kickoff meeting was held on April 19. The study is expected to be completed in late summer of 2006. Stakeholder interviews will begin in mid May. An initial briefing of Council has been tentatively scheduled for June 6 and the first stakeholder meeting will be held on June 8.

A generalized project schedule is as follows:

Hold kick-off meeting – April 2005

Obtain base mapping/photography – May, 2005

Collect supplemental traffic data – May/June 2005

Hold first stakeholder meeting – June 2005

Update Synchro traffic model – June/July 2005

Develop short term improvement options – July–October, 2005
Forecast future traffic using tp+travel demand model – July – Sept, 2005
Hold initial citizen involvement meeting – September 2005
Develop improvement options in September – November, 2005
Hold Council briefing – November 2005
Hold second stakeholder meeting – November 2005
Refine and screen improvement options – December 2005 – February 2006
Prepare budgetary construction cost estimate – January – March 2006
Prepare and distribute draft report – March – June 2006
Hold final citizen information meeting – June 2006
Prepare and distribute final report – July – August, 2006

Mr. Gray advised that VDOT has participated with the City from the beginning, the project will enhance ingress and egress to downtown Roanoke and the multi-faceted study will allow VDOT to program funds.

Mr. King advised that the goal of the study is to develop interim, short term and long term improvements and to improve access to the Riverside Center, and Council will receive another briefing at mid point in the study process.

Space assignment– Municipal North:

MUNICIPAL BUILDING–HOUSING/AUTHORITY: The City Manager advised that when assigning space in Municipal North, first priority was given to those City functions that are currently housed in leased locations off site from the Municipal Building. She state that in view of a recent communication from Ben J. Fink, Chair, Roanoke Redevelopment and Housing Authority (RRHA), with regard to an interest by the Housing Authority to relocate its administrative offices to Municipal North, it is appropriate to brief the Members of Council on the proposed allocation of space in Municipal North. She added that the RRHA has agreed to engage the services of Hayes, Seay, Mattern and Mattern to prepare a space analysis report, and City staff recently met with John R. Baker, Executive Director, and Earl B. Reynolds, Jr., Deputy Executive Director, RRHA, to review two options for space allocation in Municipal North.

(See building diagrams on file in the City Clerk's Office.)

As a part of the discussion, the City Manager advised that the Housing Authority has requested 15,000 square feet of office space, and construction costs would be borne by the City of Roanoke, with a goal of keeping costs at approximately \$35.00 per square foot.

Council Member Wishneff inquired if the project could be done as a Commonwealth of Virginia Historic Tax Credit Project; what is the status of the study by the Commonwealth of Virginia that includes certain occupants of the Commonwealth Building and how will the building be used in the future; when will the Carilion Biomedical Institute move from the downtown location; does the City have a theoretical commitment in connection with the RNDC building; and what is the status of discussions with the School Board regarding relocation of school administrative offices to downtown Roanoke.

The City Manager advised that the School Board has requested that a Council/School Board retreat be scheduled in early fall at a time following the School Board's retreat.

Following discussion of the matter, the City Manager was requested to submit a recommendation whereupon, she requested the concurrence of Council to ask the Roanoke Redevelopment and Housing Authority to occupy space on the third floor of Municipal North to be shared with the Department of Housing and Neighborhood Services, with the balance of space to be located on the first floor of the building; and that the Campbell Avenue entrance will not be opened to the public initially, with the understanding that the option will be open for future discussion.

Inasmuch as no objection was expressed by the Council, the City Manager advised that City staff would proceed as above referenced to allocate space in Municipal North to the Roanoke Redevelopment and Housing Authority and Hayes, Seay, Mattern and Mattern would continue to work on a space analysis study.

FLOOD REDUCTION/CONTROL-COUNCIL: In the interest of time, the City Manager advised that the briefing on the Upkeep of the Roanoke River would be postponed until the regular meeting of Council on Monday, June 20, 2005.

At 11:45 a.m., the Mayor declared the Council meeting in recess to be immediately reconvened in Closed Session in the Council's Conference Room, Room 451, Noel C. Taylor Municipal Building.

At 2:00 p.m., on Monday, June 6, 2005, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Vice-Mayor Beverly T. Fitzpatrick, Jr., and Council Members Brenda L. McDaniel, Brian J. Wishneff (arrived late), M. Rupert Cutler, Alfred T. Dowe, Jr., and Mayor C. Nelson Harris-----6.

ABSENT: Council Member Sherman P. Lea-----1.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT: On June 30, 2005, following more than 24 years of service to the City of Roanoke, George C. Snead, Jr., Assistant City Manager for Operations, will retire; whereupon, Council Member Cutler offered the following resolution:

(#37069-060605) A RESOLUTION paying tribute to George Carpenter "Chip" Snead, Assistant City Manager for Operations for the City of Roanoke, and expressing to him the appreciation of this City and its people for his exemplary public service.

(For full text of resolution, see Resolution Book 69, Page 413.)

Council Member Cutler moved the adoption of Resolution No. 37069-060605. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

The Mayor and Members of Council commended Mr. Snead for his service to the citizens of the City of Roanoke and advised that a reception would be held in his honor at 4:00 p.m., on Monday, June 6, 2005, at the Jefferson Center.

The Mayor presented a crystal star to Mrs. Snead.

Mr. Snead advised that public service is a special calling; the City of Roanoke is a unique community, and he encouraged elected and administrative officials to build on Roanoke's strengths in order to maintain its uniqueness. He expressed appreciation for the opportunity to be a part of the City of Roanoke's service to its citizens.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meeting of Council held on Monday, April 18, 2005, and recessed until Thursday, April 28, 2005, were before the body.

Vice-Mayor Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

AIRPORT-CITY COUNCIL: A communication from the City Manager requesting that Council schedule a public hearing for Monday, June 20, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to proposed conveyance of property rights to the Roanoke Regional Airport Commission, was before the body.

Vice-Mayor Fitzpatrick moved that Council concur in the request. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

AUDIT COMMITTEE: Minutes of a meeting of the Audit Committee which was held on Monday, May 2, 2005, were before the body.

Vice-Mayor Fitzpatrick moved that the minutes be received and filed. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

LIBRARIES: A communication from Samuel G. Oakey, III, tendering his resignation as a member of the Roanoke Public Library Board, was before Council.

Vice-Mayor Fitzpatrick moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

COMMITTEES--COMMUNITY PLANNING--YOUTH--FIFTH PLANNING DISTRICT
COMMISSION--WATER RESOURCES: A report of qualification of the following
persons was before Council:

The Honorable M. Rupert Cutler as a member of the Roanoke Valley
Area Metropolitan Planning Organization for a term ending June 30,
2008; and as a member of the Roanoke Valley Allegheny Regional
Commission for a term ending June 30, 2008;

Robert H. Logan, III, as a member of the Roanoke Valley Allegheny
Regional Commission, to fill the unexpired term of Jennifer L.
Pfister, resigned, ending June 30, 2006;

Aaron Ewert, Sherman P. Lea, Jr., and Antwan Lawton as members
of the Youth Services Citizen Board, for terms ending May 31,
2008; and

John B. Williamson, III, as a member of the Board of Directors,
Western Virginia Water Authority, to fill the unexpired term of
George W. Logan, resigned, ending March 1, 2008.

Vice-Mayor Fitzpatrick moved that the report of qualification be received
and filed. The motion was seconded by Council Member Dowe and adopted by
the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff,
Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

REGULAR AGENDA

PUBLIC HEARINGS:

BUDGET--HUMAN DEVELOPMENT: Pursuant to instructions by the Council,
the City Clerk having advertised a public hearing for Monday, June 6, 2005, at
2:00 p.m., or as soon thereafter as the matter may be heard, on a proposal to
adjust the Fiscal Year 2004-2005 General Fund budget, in connection with
appropriation of funds for Social Service/Human Service programs, the matter
was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 27, 2005.

The City Manager submitted a communication advising that the Department of Social Services experienced an increase in demand for the following services over the past year: Fuel Assistance, Auxiliary Grant, Refugee Resettlement, Foster Care, Adoption, Day Care and Food Stamp; certain of the programs are mandated by the State; additional Federal and State funding was allocated by the State with only Fuel Assistance and Day Care requiring local funds; the agency also experienced an increase in operating expenditures, partly due to under-projecting costs relative to occupancy of a new facility; and additional funds for operating costs provided by the State also requires a local match.

It was further advised that the Comprehensive Services Act (CSA), which was established in 1993, provides for out-of-home services to troubled and at-risk youth and their families through a collaborative system of State and local agencies, parents and private sector providers; services include mandated foster care, certain special education services and foster care prevention; and CSA also provides services to certain targeted non-mandated populations.

It was explained that the City of Roanoke will receive additional funding for Fuel Assistance, Auxiliary Grant, Refugee Resettlement, Foster Care, Adoption, Day Care and Food Stamp programs for fiscal year 2005 in the amount of \$1,927,010.00; Auxiliary Grant and Day Care programs totaled \$810,000.00 which included a required match of \$80,169.00; \$10,000.00 of the required local funds will be provided from the Emergency Relief program which is 100 per cent local funds; additional funds for operating expenditures totaled \$49,000.00; \$24,771.00 will be reimbursed by the State with a \$24,229.00 local match; and the number of citizens requiring assistance and the cost of providing services continues to increase.

It was further explained that CSA expenditures are projected at \$10,650,000.00 for fiscal year 2005; expenditures exceed the CSA fiscal year 2005 appropriation of \$9,011,779.00 by \$1,638,221.00 and require appropriation of additional local funds in the amount of \$503,261.00; additional funds are intended to cover mandated services for at-risk youth; and CSA has experienced an increase in the number of youths requiring higher cost services.

The City Manager recommended that Council increase General Fund revenue estimates by \$1,871,612.00, transfer \$104,398.00, appropriate \$1,976,010.00 for Social Services, increase General Fund revenue estimates by \$1,134,960.00, transfer \$503,261.00, and appropriate \$1,638,221.00 for the Comprehensive Services Act.

Council Member Cutler offered the following budget ordinance:

(#37070-060605) AN ORDINANCE to appropriate funding for the Department of Social Services and Comprehensive Services Act, amending and reordaining certain sections of the 2004-2005 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 414.)

Council Member Cutler moved the adoption of Ordinance No. 37070-060605. The motion was seconded by Vice-Mayor Fitzpatrick.

The Mayor inquired if there were persons in attendance who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37070-060605 was adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe, and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

BUDGET-DISABILITY SERVICES BOARD: The City Manager submitted a communication advising that the Fifth Planning District Commission Disability Services Board (DSB) is responsible to local governments and serves as a critical resource for needs assessment, information sharing and service opportunities for citizens with disabilities, their families and the community; the following jurisdictions in the Fifth Planning District have enacted resolutions establishing participation in a regional effort and appointed a local official to serve: the Cities of Roanoke, Salem, and Covington; the Counties of Roanoke, Craig, Botetourt, and Alleghany and the Towns of Clifton Forge and Vinton; other members of the DSB include representatives from business and consumers; and the City of Roanoke serves as fiscal agent for the Fifth Planning District Disabilities Services Board.

It was further advised that the State Department of Rehabilitative Services has allocated funds in the amount of \$14,800.00 for a one-year period to continue local staff support for administration of the Fifth District DSB.

The City Manager recommended that she be authorized to enter into a contract with existing DSB staff support to continue the provision of local administrative support; and that \$14,800.00 be appropriated to a Grant Fund account to be established by the Director of Finance and that a corresponding revenue estimate be established in the Grant Fund.

Council Member McDaniel offered the following budget ordinance:

(#37071-060605) AN ORDINANCE to appropriate funds for the Fifth District Disability Service Board Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 416.)

Council Member McDaniel moved the adoption of Ordinance No. 37071-060605. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

Vice-Mayor Fitzpatrick offered the following resolution:

(#37072-060605) A RESOLUTION authorizing the City Manager to enter into a contract with the Fifth Planning District Commission Disability Services Board ("DSB") staff to provide continuing local administrative staff support, upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 69, Page 417.)

Vice-Mayor Fitzpatrick moved the adoption of Resolution No. 37072-060605. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

BUDGET-HUMAN DEVELOPMENT: The City Manager submitted a communication advising that the Human Services Advisory Board budget in the amount of \$561,982.00 was established by Council with adoption of the General Fund budget for fiscal year 2005-06; requests from 40 agencies totaling \$1,002,302.00 were received; Advisory Board members studied each application prior to allocation meetings which were held on March 23 and March 30, 2005; and agencies were notified of tentative allocations and advised that they could appeal the recommendations of the committee.

It was further advised that appeals of Advisory Board recommendations, as provided by policy, were received after notification to each agency of the tentative recommended allocation; appeals were filed and heard on April 13, 2005 from the following agencies: Roanoke Valley CASA, Brain Injury Services of Southwest Virginia, Adult Care Center, Inner City Athletic Association, and Blue Ridge Independent Living Center; after hearing the appeals, \$5,000.00 was allocated to the Inner City Athletic Association and the funds will be transferred from the City Manager's Contingency budget, for a total available budget of \$566,982.00; no other adjustments were made to recommended allocations; and performance audits will be conducted by the Council of Community Services to evaluate the effectiveness and efficiency of all funded programs.

The City Manager recommended that she be authorized to execute the required contracts; that Council transfer \$5,000.00 from the City Manager's Contingency, Account No. 001-300-9410-2199, to the Human Services Advisory Board, Account No. 001-630-5220-3700; and that Council transfer \$566,982.00 from the Human Services Advisory Board, Account No. 001-630-5220-3700, to new line items to be established in the Human Services Advisory Board budget by the Director of Finance.

Council Member Dowe offered the following budget ordinance:

(#37073-060605) AN ORDINANCE to appropriate funding to the Human Services Committee, amending and reordaining certain sections of the 2005-2006 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 418.)

Council Member Dowe moved the adoption of Ordinance No. 37073-060605. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

Council Member Dowe offered the following resolution:

(#37074-060605) A RESOLUTION concurring in the recommendations of the Human Services Advisory Board ("Board") for allocation of City funds to various nonprofit agencies and performance audits for Fiscal Year 2005-2006; authorizing the City Manager or her designee to execute any required contracts with the qualified agencies for provision of services, and to execute a contract with the Council of Community Services to perform the necessary audits to evaluate the effectiveness and efficiency of all funded programs.

(For full text of resolution, see Resolution Book No. 69, Page 420.)

Council Member Dowe moved the adoption of Resolution No. 37074-060605. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

BUDGET-ROANOKE ARTS COMMISSION: The City Manager submitted a communication advising that the Roanoke Arts Commission Agency Funding Advisory Committee budget, in the amount of \$335,512.00, was established by Council with adoption of the General Fund budget for fiscal year 2005-06; the total represents an increase in funding of \$6,580.00, or two per cent for the Committee as recommended to Council in February 2005; requests from 18 agencies, totaling \$570,747.00 were received; committee members studied each application prior to the allocation meeting which was held on March 21, 2005; agencies were notified of tentative allocations and advised that they could appeal the recommendations; and one appeal was filed by the Virginia Museum of Transportation; however, no changes were recommended by the Committee.

The City Manager recommended that Council transfer \$335,512.00 from the Roanoke Arts Commission Agency Funding Advisory Committee, Account No. 001-310-5221-3700, to new line items to be established by the Director of Finance within the Roanoke Arts Commission budget.

Council Member Dowe offered the following budget ordinance:

(#37075-060605) AN ORDINANCE to appropriate funding to the Human Services Committee, amending and reordaining certain sections of the 2005-2006 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 421.)

Council Member Dowe moved the adoption of Ordinance No. 37075-060605. The motion was seconded by Vice-Mayor Fitzpatrick.

In the future, Council Member Wishneff suggested that recommendations of the Roanoke Arts Commission Agency Funding Committee be reviewed at the Council's budget study work sessions which will allow more opportunity for discussion and input by Council Members.

Council Member Cutler advised that Council delegated the Roanoke Arts Commission with the responsibility of reviewing and submitting recommendations with regard to funding allocations for certain cultural service organizations. He stated that he was not enthusiastic about the prospect of Council involving itself in the annual list of funding allocations recommended by the Arts Commission and suggested that Mr. Wishneff engage in a personal discussion with the Chair of the Arts Commission, or attend a meeting of the Arts Commission.

Ordinance No. 37075-060605 was adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

BUDGET-ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that Rosser International, Inc., was selected to perform design services for the proposed expansion of the Civic Center facilities; Phase II expansion will provide for a new exhibit hall, truck marshalling area and other associated improvements to the existing facility; the original agreement with Rosser International, in the amount of \$815,000.00, has been amended on six occasions, bringing the current total contract amount to \$1,008,515.36; the initial agreement with Rosser International provided only design services and did not include bidding and construction phase services; and proposed Amendment No. 7 will provide for services required to support construction activities, provide for special inspections, reports required by the building code, and miscellaneous design services.

It was further advised that City staff has negotiated an agreement with Rosser International to provide the services at a fee of \$322,806.00; total consultant fees for the project are appropriate for the value of the construction contract; since the amount exceeds 25 per cent of the original contract amount, approval by Council is required; and funds are available in Civic Center Expansion/Renovation Phase II, Account No. 005-550-8616, for the contract amendment.

The City Manager recommended that she be authorized to execute Amendment No. 7, in the amount of \$322,806.00, with Rosser International, Inc., for the above referenced additional work.

Council Member Dowe offered the following resolution:

(#37076-060605) A RESOLUTION authorizing the City Manager's issuance and execution of Amendment No. 7 to the City's contract with Rosser International, Inc., for additional professional services during the construction phase of the Roanoke Civic Center Expansion and Renovation Project – Phase II Improvements.

(For full text of resolution, see Resolution Book No. 69, Page 422.)

Council Member Dowe moved the adoption of Resolution No. 37076-060605. The motion was seconded by Vice-Mayor Fitzpatrick.

Council Member Dowe requested a briefing on the status of the Civic Center expansion project; whereupon, the City Manager advised that there have been no major changes in the project; however, a Council briefing would be scheduled at a future Council meeting.

Council Member Wishneff advised that in hind sight, it would have been preferable to use the tax increase at the Civic Center to fund one year of debt service and to use remaining debt service to fund operations, which would build trust within the community. Secondly, in view of the large sum of money involved, he inquired if the work was rebid.

The City Manager responded that this is the original contract with Rosser International, the full amount of the contract was not appropriated and appropriations occur at different stages in the contract. She stated that the request currently before the Council addresses architectural and engineering services which are not in any greater amount than were originally anticipated as the full amount for architectural and engineering services.

Resolution No. 37076-060605 was adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

BUDGET-COMMONWEALTH'S ATTORNEY-STATE COMPENSATION BOARD:
The City Manager submitted a communication transmitting a request of the Commonwealth's Attorney for acceptance of reallocated funds from the Compensation Board.

The Commonwealth's Attorney advised that the Compensation Board has made funds available to be allocated toward contractual obligations for certain Commonwealth's Attorneys who have indicated that funds were needed; the Compensation Board approved a request for four desktop computers, eight laptop computers, ten printers, one shredder, one copier and one fax machine, and allocated funds, in the amount of \$26,818.00, toward purchase of the equipment; a local match of \$3,782.00 will be required, for a total of \$30,600.00; the local match will be provided from the Forfeited Criminal Assets account; and acceptance of the funds makes sound financial sense for both the Office of the Commonwealth's Attorney and the City of Roanoke.

The Commonwealth's Attorney recommended that Council accept funds from the Compensation Board, in the amount of \$26,818.00, from funds re-appropriated by the Governor to be used for equipment for the Office of Commonwealth's Attorney; that Council adopt an ordinance to establish a revenue estimate in the amount of \$26,818.00, transfer \$3,732.00 from Forfeited Criminal Assets, Account No. 035-150-5140-2030, and appropriate \$30,600.00 to expenditure accounts to be established in the Grant Fund by the Director of Finance.

The City Manager recommended that Council concur in the recommendation of the Commonwealth's Attorney and that Council accept funds from the Compensation Board Technology Trust Fund.

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37077-060605) AN ORDINANCE to appropriate funding from the Compensation Board for equipment replacement for the Commonwealth's Attorney, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 423.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37077-060605. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

BUDGET-WATER RESOURCES-STREETS AND ALLEYS: The City Manager submitted a communication advising that during creation of the Western Virginia Water Authority (WVWA), the City of Roanoke agreed to assist the WVWA with repair of utility cuts by including repair cuts as part of the City's annual paving contract; the WVWA agreed to reimburse the City for all costs associated with the work; assistance provided the WVWA with additional time to properly plan, solicit, and contract for services; the WVWA now holds contracts for the work and will contract the repairs without the City's assistance in the future; the Water Authority will issue payment to the City in the amount of \$273,380.35 for reimbursement of utility cut repair work performed under the City's recently completed paving program; and the adopted revenue estimate for the service was \$87,000.00 which will result in revenue of \$186,380.00 above the original estimate.

It was further advised that the current revenue estimate for State funding of street maintenance is \$9,726,000.00; however, State adjustments in street maintenance payments resulted in an increase of \$109,000.00, bringing the revised estimate to \$9,835,000.00.

The City Manager recommended that Council adopt an ordinance to increase the revenue estimates for street maintenance by \$295,380.00 in response to a \$186,380.00 increase in revenue from the Western Virginia Water Authority, and a \$109,000.00 increase in revenue from the State for street maintenance; and appropriate said funds to Transportation Division Street Paving, Account No. 001-530-4120-2010.

Council Member Dowe offered the following budget ordinance:

(#37078-060605) AN ORDINANCE to appropriate funding for Street Paving, amending and reordaining certain sections of the 2004-2005 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 424.)

Council Member Dowe moved the adoption of Ordinance No. 37078-060605. The motion was seconded by Vice-Mayor Fitzpatrick.

The City Manager was requested to explain the relationship between the City of Roanoke and the Western Virginia Water Authority relative to the above referenced recommendation; whereupon, she responded that the Western Virginia Water Authority previously contracted with the City to perform street improvements, therefore, City revenues will be increased in order to accept payment from the Water Authority; and in the future, the Water Authority plans to handle a great deal of the work. In summary, she stated that the Western Virginia Water Authority has contracted with both the City of Roanoke and the County of Roanoke for certain services, whether they be technology, or payroll, or financial services, and the item under consideration is another service or activity that the Water Authority contracted with the City as the entity prepared to take on its full responsibilities.

Ordinance No. 37078-060605 was adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

BUDGET-YOUTH: The City Manager submitted a communication advising that the City of Roanoke Outreach Detention/Electronic Monitoring Program provides court-ordered, pre-dispositional, intensive supervision of juveniles living within the community; program services are provided to juveniles who reside in the City of Roanoke and other jurisdictions such as Roanoke County, Botetourt, City of Salem, Craig County, and Alleghany County; each outside jurisdiction pays for services provided; the fiscal year 2004-2005 revenue estimate for Outreach Detention/Electronic Monitoring Services is \$35,000.00; and it is anticipated that actual revenue will exceed the estimate in the amount of \$16,000.00.

It was further advised that in accordance with State mandates, all program revenue must be used for services that are specifically outlined in the Board approved VJCCCA plan; and excess revenue must be appropriated for program activities.

The City Manager recommended that Council adopt an ordinance to increase the General Fund revenue estimate by \$16,000.00 in Account No. 001-110-1234-1310 and appropriate \$16,000.00 to the following accounts:

001-631-3330-1004 Temporary Wages	\$11,800.00
001-631-3330-2021 Cell Phone	\$ 2,135.00
001-631-3330-2030 Administrative Supplies	\$ 1,265.00
001-631-3330-2066 Program Activities	\$ 500.00
001-631-3330-2111 Drug Tests	\$ 300.00

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37079-060605) AN ORDINANCE to appropriate funding for the Outreach Detention/Electronic Monitoring Program, amending and reordaining certain sections of the 2004-2005 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 425.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37079-060605. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

BUDGET-RAIL SERVICE: The City Manager submitted a communication advising that Johnstown America Corporation previously announced establishment of operations in the former Norfolk Southern East End Shops to produce railroad freight cars; subsequent to the announcement, FreightCar Roanoke, Inc., was created to conduct the Roanoke operations; and FreightCar Roanoke, Inc., is an affiliate company of Johnstown America Corporation.

It was further advised that as a condition of expansion, the City, on behalf of Johnstown America Corporation, requested a Governor's Opportunity Fund (GOF) grant of \$200,000.00; the Commonwealth of Virginia has awarded the \$200,000.00 GOF grant based on the City contributing an equal amount as match; the City's local match requirement will be an appropriation of \$200,000.00 to the Industrial Development Authority of the City of Roanoke, Virginia (IDA); the IDA will grant to FreightCar Roanoke, Inc., the GOF monies and \$135,000.00 of City match to assist with improvements and equipment, plus up to \$65,000.00 of City match in job training grants, (\$1,000.00 per City resident hired to work at a permanent, full-time position); FreightCar Roanoke, Inc., will create at least 400 jobs while investing at least \$5,545,000.00 in improvements and equipment by April 30, 2008; conditions that have been agreed to are set out in a Performance Agreement; the Performance Agreement for FreightCar Roanoke, Inc., requires pay back of the GOF monies and part of the City's match if FreightCar does not complete its obligations; and funding for the \$200,000.00 match from the City is available in the Economic and Community Development Reserve in the Capital Projects Fund.

The City Manager recommended that she be authorized to enter into a Performance Agreement with FreightCar Roanoke, Inc., and the Industrial Development Authority of the City of Roanoke, Virginia, the form of such Performance Agreement to be approved by the City Attorney; that the City Manager be further authorized to take such actions and to execute such documents as necessary to implement and administer the Performance Agreement, including a request for, and acceptance of GOF monies above referenced; that Council adopt a budget ordinance establishing a revenue estimate of \$200,000.00 in the Capital Projects Fund for funding from the GOF, appropriate \$200,000.00 in matching funds from the City's Economic and Community Development Reserve, and appropriate a total of \$400,000.00 to an expenditure account to be established by the Director of Finance in the Capital Projects Fund entitled, "FreightCar Roanoke Development Project".

Vice-Mayor Fitzpatrick offered the following budget ordinance:

(#37080-060605) AN ORDINANCE to appropriate Governor's Opportunity and local match funding for the FreightCar Roanoke Development Project, amending and reordaining certain sections of the 2004-2005 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 425.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37080-060605. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37081-060605) AN ORDINANCE authorizing the proper City officials to execute a Performance Agreement among the City of Roanoke (City), the Industrial Development Authority of the City of Roanoke, Virginia (IDA), and FreightCar Roanoke, Inc. (FCR), that provides for certain undertakings by the parties in connection with certain investments and job creation by FCR and/or its affiliates to take place in the City of Roanoke at the former Norfolk Southern East End Shops; authorizing the proper City officials to obtain and accept a grant or donation from the Governor's Opportunity Fund (GOF) in an amount up to \$200,000.00 to be used for an IDA grant to FCR; to provide for the appropriation of up to \$200,000.00 by the City to the IDA for grants to FCR for the purposes of economic development, as further set forth below; and dispensing with the second reading by title of this Ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 426.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37081-060605. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

ECONOMIC DEVELOPMENT-HOUSING/AUTHORITY: The City Manager submitted a communication advising that Ordinance No. 36927-122004 adopted by Council on December 20, 2004, authorized execution of an Agreement between the City of Roanoke and Colonial Green, L.C. for development of Colonial Green, and the conveyance in phases of approximately 23 acres of City property on Colonial Avenue in exchange for development and creation of a mixed density traditional neighborhood design and layout consistent with the City's Vision 2001-2020 Comprehensive Plan, among other things, upon certain terms and conditions as set forth in the Agreement.

It was further advised that subsequent to execution of the Agreement, and as an outcome of the rezoning process, minor changes were required to the phasing plan and development pattern book that was incorporated by reference as exhibits in the original development Agreement; with the changes, such items are now inconsistent with references contained in the original Agreement, therefore, the Agreement needs to be amended in order to be consistent with the outcomes of the rezoning process; also included in the amendment are clarifications to the phasing and subdivision process for implementation of the project; and the changes have no substantive impact on the overall intent and outcomes anticipated by the development Agreement.

The City Manager recommended that she be authorized to execute an amended development Agreement on behalf of the City of Roanoke, to be approved as to form by the City Attorney.

Council Member Dowe offered the following ordinance:

(#37082-060605) AN ORDINANCE authorizing the City Manager to execute an Amended Agreement for the Development of Colonial Green, to be entered into by the City and Colonial Green, L.C., the developer, which provides for conveyance, in phases, of approximately 23 acres of property on Colonial Avenue in exchange for certain proposed development activities, in order to conform an Agreement heretofore entered into on December 27, 2004, to certain changes made in the development plan during the conditional rezoning process; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 69, Page 428.)

Council Member Dowe moved the adoption of Ordinance No. 37082-060605. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

CITY ATTORNEY:

POLICE DEPARTMENT-NUISANCES-COMMONWEALTH'S ATTORNEY-CITY CODE: The City Attorney submitted a written report advising that during the last Session, the General Assembly amended (effective July 1, 2005), §15.2-1812.2, Code of Virginia, which is the enabling legislation for §21-25 of the City Code, pertaining to willful damage to or defacement of public or private facilities (the City's graffiti ordinance); amendments to the State Code eliminate the previous requirement that damage to private property be less than \$1,000.00 for the ordinance to apply, and imposes a mandatory minimum fine of \$500.00 for certain types of graffiti; and the amendment also simplifies and reduces the time requirements for giving notice to private property owners before the City can undertake cleaning or covering graffiti.

The City Attorney transmitted an ordinance to amend §21-25 of the City Code to conform with §15.2-1812.2 of the State Code.

Vice-Mayor Fitzpatrick offered the following ordinance:

(#37083-060605) AN ORDINANCE amending §21-25, Willful damage or defacement of public or private facilities, Article 1, In General, Chapter 21, Offenses - Miscellaneous, of the Code of the City of Roanoke (1979), as amended, by the amendment of §21-25 in order to conform it to §15.2-1812.2 of the State Code, by imposing a mandatory minimum fine for certain types of graffiti, and reducing certain time requirements for notices; providing for an effective date; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 429.)

Vice-Mayor Fitzpatrick moved the adoption of Ordinance No. 37083-060605. The motion was seconded by Council Member Dowe.

The City Manager was requested to respond to the prevalence of graffiti in the City of Roanoke; whereupon, she advised that the extent of graffiti is not known because to this point, enforcement of the current ordinance has been on a complaint basis. She stated that provisions of the current ordinance allow for longer periods of time in which to respond, particularly on the part of the property owner, and the proposed ordinance will allow the City to proceed more expeditiously. She called attention to a small allocation of funds in the City's annual budget for removal of graffiti; and on a complaint basis, the City has aggressively pursued the issue during the past several years, although no actual numbers are available. She stated that graffiti is offensive on any facility and, if allowed to remain, encourages more instances; therefore, it is important to remove graffiti as quickly as possible. She asked that the general public take note that the City of Roanoke enforces the elimination of graffiti and asked that any complaints regarding violations be reported to the City for investigation.

Ordinance No. 37083-060605 was adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

CITY CODE: The City Attorney submitted a written report advising that since 1982, Council has reenacted and recodified the City Code on an annual basis in order to properly incorporate in the Code amendments made by the General Assembly at the previous Session to State statutes that are incorporated by reference in the City Code; and the procedure ensures that the ordinances codified in Roanoke's Code incorporate the most recent amendments to State law.

It was further advised that incorporation by reference is frequently utilized in local codes to preclude having to set out lengthy provisions of State statutes in their entirety; in addition, the technique ensures that local ordinances are always consistent with State law as is generally required; and the procedure whereby a local governing body incorporates State statutes by reference after action of the General Assembly has been approved by the Attorney General.

The City Attorney recommended that Council adopt an ordinance to readopt and reenact the Code of the City of Roanoke (1979); if an ordinance is not adopted, City Code sections incorporating provisions of the State Code amended at the last Session of the General Assembly may not be deemed to include the recent amendments and may be impermissibly inconsistent which could result in the dismissal of criminal prosecutions under the City Code sections.

Council Member Cutler offered the following ordinance:

(#37084-060605) AN ORDINANCE to readopt and reenact the Code of the City of Roanoke (1979),as amended; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 432.)

Council Member Cutler moved the adoption of Ordinance No. 37084-060605. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

HOUSING/AUTHORITY-COMMUNITY PLANNING-GRANTS: The City Attorney submitted a written report advising that on May 2, 2005, Council approved certain amendments to the 2000-2005 Consolidated Plan; the resolution that was adopted did not fully conform with the City Manager's recommendations; specifically, the City Manager requested that Council redesignate \$700,000.00 in Community Development Block Grant (CDBG) and HOME Investment Partnership funds to the Roanoke Redevelopment and Housing Authority, and \$200,000.00 of CDBG funds for other designated housing activities in the 2005-2006 period; however, as adopted, Resolution No. 37032-050205, among other things, redesignated the entire \$900,000.00 to the Housing Authority.

It was further advised that in order to follow the recommendations of the City Manager, a new resolution has been prepared which repeals Resolution No. 37032-050205, and implements the City Manager's recommendations under date of May 2, 2005.

Council Member Dowe offered the following resolution:

(#37085-060605) A RESOLUTION authorizing the appropriate City officials to execute an amendment to the Consolidated Plan for FY 2000-2005, providing for the redesignation of certain Community Development Block Grant and HOME Investment Partnerships funds, upon certain terms and conditions; and repealing Resolution No. 37032-050205, adopted on May 2, 2005.

(For full text of resolution, see Resolution Book No. 69, Page 433.)

Council Member Dowe moved the adoption of Resolution No. 37085-060605. The motion was seconded by Vice-Mayor Fitzpatrick and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the month of April 2005.

(For full text, see Financial Report on file in the City Clerk's Office.)

The Director of Finance advised that on a year to date basis, for the first ten months of the year, the City's revenues grew approximately seven per cent in the General Fund, real estate has increased by about eight per cent, growth has been experienced in the personal property tax for the first time in three years, the meals tax has trended with about a four per cent growth, the hotel/room tax is flat compared to last year, the business license tax has experienced a three per cent growth, and the sales tax has flattened out with growth at less than one per cent for this year. He stated that overall, the budget is on track.

There being no discussion and without objection by Council, the Mayor advised that the Financial Report for the month of April would be received and filed.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

ACTS OF ACKNOWLEDGEMENT: Council Member Dowe congratulated organizers of Roanoke's Festival in the Park, 2005 Young Heroes, Women's Leadership Awards, and Roanoke Branch NAACP Citizen of the Year.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

CITY MARKET-LEASES: Kelly Crovo, City Market Building tenant, submitted the following inquiries: Will the City Market study include the entire downtown area? What are the City's plans with regard to attracting more businesses to downtown Roanoke? Why is the new art museum project in downtown Roanoke moving forward prior to completion of the City Market study? He raised questions with regard to the amount of time it has taken to draft a standard lease with a non-compete clause for City Market Building tenants.

With regard to previous statements about extending operating hours/Sunday hours for the City Market Building, Mr. Crovo advised that the majority of persons who patronize downtown Roanoke after hours prefer to visit restaurants that serve alcoholic beverages in addition to food items, and it would be difficult to obtain an alcoholic beverage license for businesses located inside the City Market Building due to the fact that alcohol cannot be contained once it leaves a specific counter space; and no business owner would be in favor of extending operating hours if they cannot generate a profit.

CITY MARKET-LEASES: Anita Wilson, President of the City Market Building Tenants Association, advised that the Tenants Association would like to work with the City toward reaching a uniform lease agreement that would be fair to those persons who have supported the City Market Building in the past. She stated that she has refused to sign the new lease for space in the City Market Building which was proposed by the former management company because the lease would require that she be charged twice the highest based rent, plus a certain percentage.

ACTS OF ACKNOWLEDGEMENT-CITY EMPLOYEES: Marion Vaughn-Howard spoke as a City employee and as a citizen of the City of Roanoke, and expressed appreciation to Council for the City Employee Student Tuition Reimbursement Program. As a recent graduate of Mary Baldwin College, she presented a Certificate of Appreciation to the Mayor and Members of Council for the City's assistance through the Tuition Reimbursement Program.

COMPLAINTS-ECONOMIC DEVELOPMENT: Robert Gravely, 729 29th Street, N. W., spoke with regard to the need to provide more jobs and better paying jobs for the citizens of Roanoke, the need to reinvent downtown Roanoke in order to bring growth to the City, and the need for demolition of older buildings in downtown Roanoke to make room for new buildings which will enable the City of Roanoke to be marketed at state and national levels.

CITY MANAGER COMMENTS: NONE.

At 3:10 p.m., the Mayor declared the Council meeting in recess for one Closed Session in the Council's Conference Room.

At 3:50 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Council Member Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Vice-Mayor Fitzpatrick and Council Members McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

There being no further business, the Mayor declared the Council meeting adjourned at 3:52 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor
